IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2384 OF 1998

IN

CRIMINAL APPEAL NO. OF 1998

Ramchandra Brahmadin Mishra ...Applicant

Versus

Shree Gopalkrishna Dairy Farm & Ors....Respondents

.....

Mr.P.J.Shinde for Applicant.

Ms.S.V.Gajare, A.P.P. for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 16, 2005.

P.C.

1. Heard. Perused the relevant documents, in particular, the evidence of the Complainant. The Complainant has admitted during the evidence that he is in the business of financing for last 45 years. He has not mentioned about the present transaction either in the books of accounts or in the balance-sheet given to Income-tax Department

along with the Returns. He has also admitted that he has no money-lending license.

2. Taking this evidence as it is, no fault can be found with the conclusions reached by the Court below that the cheque in question does not pertain to legally enforceable liability. On that finding, the complaint has been rightly dismissed. No case for interference. Rejected.

A.M.KHANWILKAR, J.